UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.   CRIMINAL ACTION NO. 2:09-00242

MICHAEL LYNN SHAVER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On March 12, 2013, the United States of America appeared by C. Haley Bunn, Assistant United States Attorney, and the defendant, Michael Lynn Shaver, appeared in person and by his counsel, David O. Schles, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Justin L. Gibson, the defendant having commenced a three-year term of supervised release in this action on June 13, 2012, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on June 1, 2010.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant failed to notify the probation officer of his change in residence and change in employment, and had no contact with the probation officer from the time of his release from imprisonment on June 13, 2012, until the time of his arrest on January 18, 2013, rendering his whereabouts unknown; (2) that the defendant failed to submit monthly reports from June 2012 through December 2012; (3) that the defendant failed to report to the probation officer as instructed on July 19, 2012; (4) that the defendant used and possessed marijuana as evidenced by a positive urine specimen submitted by him on January 18, 2013; and (5) that the defendant used alcohol excessively inasmuch as when he turned himself in to law enforcement on January 18, 2013, he was so intoxicated that he could barely stand on his own; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.
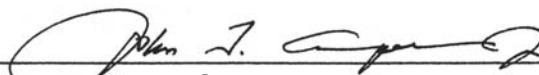
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FIVE (5) MONTHS, to be followed by a term of thirty-one (31) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime

and the special conditions that (1) he spend a period of five months in a community confinement center, preferably in Lebanon, Virginia, commencing immediately upon release from custody, and comply with the rules and regulations of the facility, (2) participate in alcohol abuse counseling and treatment, including AA meetings, as directed by the probation officer, and (3) abstain from the use of alcohol.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: March 21, 2013

John T. Copenhaver, Jr.
United States District Judge